

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD C HUFF, )  
Plaintiff(s), ) No C 08-0761 VRW (PR)  
vs. ) ORDER OF DISMISSAL  
ROBERT A HOREL, ) (Doc # 2)  
Defendant(s). )

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This civil rights action by a prisoner was filed on January 31, 2008. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not pay the requisite \$ 350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 USC § 1915(a)(2). Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 120 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. Plaintiff's incomplete in forma pauperis application (doc # 2) is DENIED and the action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

  
VAUGHN R WALKER  
United States District Chief Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

Huff,

Case Number: C08-0761 VRW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

Horel, et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard C. Huff E-84710  
Pelican Bay State Prison  
P.O. Box 7500  
Crescent City, CA 95531

Dated: June 24, 2008

Richard W. Wierking, Clerk  
By: Cora Klein, Deputy Clerk

*Cora Klein*